



House of Representatives

General Assembly

File No. 143

February Session, 2018

Substitute House Bill No. 5196

House of Representatives, April 3, 2018

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING HOUSING AUTHORITY JURISDICTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 The following terms, wherever used or referred to in this chapter,
4 [shall] have the following respective meanings, unless a different
5 meaning clearly appears from the context:

6 (a) "Area of operation" includes the municipality in which a housing
7 authority is created under the provisions of this chapter and may
8 include a neighboring municipality, provided the governing body of
9 such neighboring municipality agrees by proper resolution to the
10 extension of the area of operation to include such neighboring
11 municipality.

12 (b) "Authority" or "housing authority" means any of the public
13 corporations created by section 8-40, as amended by this act, and the

14 Connecticut Housing Authority when exercising the rights, powers,
15 duties or privileges of, or subject to the immunities or limitations of,
16 housing authorities pursuant to section 8-121.

17 (c) "Bonds" means any bonds, including refunding bonds, notes,
18 interim certificates, debentures or other obligations issued by the
19 authority pursuant to this chapter.

20 (d) "Clerk" means the clerk of the particular city, borough or town
21 for which a particular housing authority is created.

22 (e) "Families of low income" means families who lack the amount of
23 income which is necessary, as determined by the authority
24 undertaking the housing project, to enable them, without financial
25 assistance, to live in decent, safe and sanitary dwellings, without
26 overcrowding.

27 (f) "Families of low and moderate income" means families who lack
28 the amount of income which is necessary, as determined by the
29 Commissioner of Housing, to enable them to rent or purchase
30 moderate cost housing without financial assistance as provided by this
31 part and parts II and III of this chapter.

32 (g) "Federal government" includes the United States of America, the
33 federal emergency administration of public works or any other agency
34 or instrumentality, corporate or otherwise, of the United States of
35 America.

36 (h) "Governing body" means, for towns having a town council, the
37 council; for other towns, the selectmen; for cities, the common council
38 or other similar body of officials; and for boroughs, the warden and
39 burgesses.

40 (i) "Housing project" means any work or undertaking (1) to
41 demolish, clear or remove buildings from any slum area, which work
42 or undertaking may embrace the adaptation of such area to public
43 purposes, including parks or other recreational or community
44 purposes; or (2) to provide decent, safe and sanitary urban or rural

45 dwellings, apartments or other living accommodations for families of
46 low or moderate income, which work or undertaking may include
47 buildings, land, equipment, facilities and other real or personal
48 property for necessary, convenient or desirable appurtenances, streets,
49 sewers, water service, parks, site preparation, gardening,
50 administrative, community, recreational, commercial or welfare
51 purposes and may include the acquisition and rehabilitation of existing
52 dwelling units or structures to be used for moderate or low rental
53 units; or (3) to accomplish a combination of the foregoing. The term
54 "housing project" also may be applied to the planning of the buildings
55 and improvements, the acquisition of property, the demolition of
56 existing structures, the construction, reconstruction, alteration and
57 repair of the improvements and all other work in connection therewith
58 and may include the reconstruction, rehabilitation, alteration, or major
59 repair of existing buildings or improvements which were undertaken
60 pursuant to parts II and VI of this chapter.

61 (j) "Mayor" means, for cities, the mayor and, for boroughs, the
62 warden.

63 (k) "Moderate rental" means a rental which, as determined by an
64 authority with the concurrence of the Commissioner of Housing, is
65 below the level at which private enterprise is currently building a
66 needed volume of safe and sanitary dwellings for rental in the locality
67 involved; and "moderate rental housing project" means a housing
68 project, receiving state aid in the form of loans or grants, for families
69 unable to pay more than moderate rental. Such project may include the
70 reconstruction, rehabilitation, alteration, or major repair of existing
71 buildings or improvements which were undertaken pursuant to parts
72 II or VI of this chapter.

73 (l) "Municipality" means any city, borough or town. "The
74 municipality" means the particular municipality for which a particular
75 housing authority is created.

76 (m) "Obligee of the authority" or "obligee" includes any bondholder,
77 trustee or trustees for any bondholders, or lessor demising to the

78 authority property used in connection with a housing project, or any
79 assignee or assignees of such lessor's interest or any part thereof, and
80 the state or federal government when it is a party to any contract with
81 the authority.

82 (n) "Real property" includes all lands, including improvements and
83 fixtures thereon, and property of any nature appurtenant thereto, or
84 used in connection therewith, and every estate, interest and right, legal
85 or equitable, therein, including terms for years and liens by way of
86 judgment, mortgage or otherwise and the indebtedness secured by
87 such liens.

88 (o) "Rent" means the entire amount paid to an authority for any
89 dwelling unit.

90 (p) "Shelter rent" means rent less any charges made by an authority
91 for water, heat, gas and electricity.

92 (q) "Slum" means any area where dwellings predominate which, by
93 reason of dilapidation, overcrowding, faulty arrangement or design,
94 lack of ventilation, light or sanitary facilities, or any combination of
95 these factors, are detrimental to safety, health and morals.

96 (r) "State public body" means any city, borough, town, municipal
97 corporation, district or other subdivision of the state.

98 (s) "Veteran" has the meaning assigned by section 27-103 and
99 includes any officer of the United States Public Health Service detailed
100 by proper authority to duty with any of the armed forces and the
101 spouse or widow or widower of such veteran, provided such veteran
102 shall have served for a period of ninety days or more in time of war
103 after December 7, 1941, and shall have resided in this state at any time
104 continuously for two years.

105 (t) "Family" means a household consisting of one or more persons.

106 (u) "Eligible developer" or "developer" means (1) a nonprofit
107 corporation; (2) any business corporation incorporated pursuant to

108 chapter 601 or any predecessor statutes thereto, having as one of its
109 purposes the construction, rehabilitation, ownership or operation of
110 housing, and having articles of incorporation approved by the
111 commissioner in accordance with regulations adopted pursuant to
112 section 8-79a or 8-84; (3) any partnership, limited partnership, joint
113 venture, trust, limited liability company or association having as one of
114 its purposes the construction, rehabilitation, ownership or operation of
115 housing, and having basic documents of organization approved by the
116 commissioner in accordance with regulations adopted pursuant to
117 section 8-79a or 8-84; (4) a housing authority; (5) a family or person
118 approved by the commissioner as qualified to own, construct,
119 rehabilitate, manage and maintain housing under a mortgage loan
120 made or insured under an agreement entered into pursuant to the
121 provisions of this chapter; or (6) a municipal developer.

122 (v) "Mortgage" means a mortgage deed, deed of trust, or other
123 instrument which [shall constitute] constitutes a lien, whether first or
124 second, on real estate or on a leasehold under a lease having a
125 remaining term, at the time such mortgage is acquired, which does not
126 expire for at least that number of years beyond the maturity date of the
127 obligation secured by such mortgage as is equal to the number of years
128 remaining until the maturity date of such obligation.

129 (w) "Nonprofit corporation" means a nonprofit corporation
130 incorporated pursuant to chapter 602 or any predecessor statutes
131 thereto, having as one of its purposes the construction, rehabilitation,
132 ownership or operation of housing and having articles of incorporation
133 approved by the Commissioner of Housing in accordance with
134 regulations adopted pursuant to section 8-79a or 8-84.

135 (x) "Municipal developer" means a municipality [, as defined in
136 subsection (l) of this section,] which has not declared by resolution a
137 need for a housing authority pursuant to section 8-40, as amended by
138 this act, acting by and through its legislative body, except that in any
139 town in which a town meeting or representative town meeting is the
140 legislative body, "municipal developer" means the board of selectmen

141 if such board is authorized to act as the municipal developer by the
142 town meeting or representative town meeting.

143 (y) "Expanded area of operation" includes areas designated by the
144 Department of Housing pursuant to section 8-348 as high or very high
145 opportunity census tracts, which are located outside the area of
146 operation, provided (1) any part of such census tract is located within
147 thirty miles of the municipality in which the housing authority is
148 located, and (2) the governing body of the municipality or
149 municipalities where such census tract is located agrees by proper
150 resolution to the extension of the area of operation to include such
151 census tract.

152 Sec. 2. Section 8-40 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective October 1, 2018*):

154 In each municipality of the state there is created a public body
155 corporate and politic to be known as the "housing authority" of the
156 municipality; provided such authority shall not transact any business
157 or exercise its powers hereunder until the governing body of the
158 municipality by resolution declares that there is need for a housing
159 authority in the municipality, provided it shall find (1) that insanitary
160 or unsafe inhabited dwelling accommodations exist in the municipality
161 or (2) that there is a shortage of safe or sanitary dwelling
162 accommodations in the municipality available to families of low
163 income at rentals they can afford or (3) that there is a shortage of safe
164 or sanitary dwelling accommodations in the municipality available to
165 families of moderate income at rentals they can afford. In determining
166 whether dwelling accommodations are unsafe or insanitary, said
167 governing body may take into consideration the degree of
168 overcrowding, the percentage of land coverage, the light, air, space
169 and access available to the inhabitants of such dwelling
170 accommodations, the size and arrangement of the rooms, the sanitary
171 facilities and the extent to which conditions exist in such buildings
172 which endanger life or property by fire or other causes. The governing
173 bodies of two or more municipalities may create a regional housing

174 authority, which shall have all the powers, duties and responsibilities
175 conferred upon housing authorities by this chapter and chapter 130.
176 The area of operation of such authority shall include the municipalities
177 for which such authority is created, and any such authority may adopt
178 an expanded area of operation. Such authority shall act through a
179 board of commissioners composed of two representatives from each
180 municipality appointed for terms of four years in the manner provided
181 in section 8-41.

182 Sec. 3. Section 8-44b of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective October 1, 2018*):

184 (a) Any housing authority created by section 8-40, as amended by
185 this act, shall have the power to establish and maintain a housing
186 authority police force, [the] except that no housing authority shall have
187 the power to establish or maintain a housing authority police force in
188 an expanded area of operation. The members of [which] any such
189 police force shall be employees of such housing authority and shall be
190 known as housing authority police officers. Housing authority police
191 officers shall be appointed by the local board, agency or person
192 empowered to appoint municipal police officers, subject to approval of
193 the housing authority. The requirements for appointment as a police
194 officer in the municipality in which the housing authority is located,
195 except for age and physical qualifications, shall be mandatory for
196 housing authority police officers in such municipality. No person shall
197 be appointed to such housing authority police force unless [he] such
198 person has been awarded a certificate attesting to [his] such person's
199 successful completion of an approved municipal police basic training
200 program, as provided in section 7-294e. The initial appointment shall
201 be for a probationary term upon completion of which the appointing
202 authority may promote such probationary officers to permanent status;
203 provided such promotion shall be in accordance with procedures
204 applicable to municipal police officers in the municipality and shall be
205 made subject to the approval of the housing authority. Housing
206 authority police officers shall have and exercise the powers and
207 authority conferred upon municipal police officers and shall be subject

208 to the ultimate supervision and control of the chief of police of the
209 municipality in which the housing authority operates.

210 (b) Notwithstanding the provisions of subsection (a) of this section,
211 any housing authority police force which existed prior to October 1,
212 1970, pursuant to Title 1 of Public Law 89-754, 80 Stat. 1255, the
213 Demonstration Cities and Metropolitan Development Act of 1966, and
214 which, for any reason, does not constitute a housing authority police
215 force pursuant to subsection (a) of this section, shall constitute a
216 housing authority police force pursuant to this subsection and the
217 members of such police forces may exercise the powers granted to
218 such members pursuant to this subsection. The members of such police
219 force may act, at the expense of the municipality, as special police
220 officers upon property owned or managed by any housing authority.
221 Such special police officers: (1) May arrest, without previous complaint
222 and warrant, any person for any offense in their jurisdiction, when
223 such person is taken or apprehended in the act or on the speedy
224 information of others; (2) when in the immediate pursuit of one who
225 may be arrested under the provisions of this subsection, may pursue
226 such offender outside of their jurisdiction into any part of the
227 municipality to effect an arrest; (3) shall be peace officers as defined in
228 subdivision (9) of section 53a-3; (4) shall have the authority to serve
229 criminal process within their jurisdiction; (5) shall, when on duty, wear
230 a uniform, distinct in color from that worn by the police officers of the
231 municipality; (6) shall, when on duty, wear in plain view a shield,
232 distinct in shape from that worn by the police officers of the
233 municipality which shall bear the words "special police"; (7) shall
234 complete a forty-hour basic training program provided by the
235 municipality within one hundred eighty days of June 27, 1983; (8) shall
236 take an oath of office.

237 Sec. 4. Section 8-50 of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective October 1, 2018*):

239 An authority shall have the right to acquire by the exercise of the
240 power of eminent domain any real property which it deems necessary

241 for its purposes under this chapter, provided such real property is not
 242 located in an expanded area of operation, after the adoption by [it]
 243 such authority of a resolution declaring that the acquisition of such
 244 real property described [therein] in such resolution is necessary for
 245 such purposes. An authority, in its own name and at its own expense
 246 and cost, may prefer a petition and exercise the power of eminent
 247 domain in the manner provided in section 48-12 and acts
 248 supplementary thereto, except that a housing authority's power of
 249 eminent domain shall not extend to an expanded area of operation.
 250 Property already devoted to a public use may be acquired, provided
 251 no real property belonging to the municipality, the state or any
 252 political subdivision thereof may be acquired without its consent.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	8-39
Sec. 2	October 1, 2018	8-40
Sec. 3	October 1, 2018	8-44b
Sec. 4	October 1, 2018	8-50

Statement of Legislative Commissioners:

In Section 3, "he" and "his" were changed to "[he] such person" and "[his] such person's" for consistency with standard drafting conventions and in Section 4, "extended" was changed to "expanded" for accuracy.

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill has no fiscal impact, as it does not change the monetary value of benefits offered by a municipal housing authority, or the cost of administering such benefits.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5196*****AN ACT CONCERNING HOUSING AUTHORITY JURISDICTION.*****SUMMARY**

By law, municipal and regional public housing authorities (PHAs) exercise certain powers, such as developing and operating affordable housing projects and administering tenant-based voucher programs (e.g., Section 8). Current law requires that PHAs exercise these powers within their area of operation. This bill authorizes them to adopt an expanded area of operation.

In doing so, the bill appears to allow PHAs to exercise the same powers in the expanded area of operation as they may currently exercise in their area of operation, subject to certain limitations. The bill prohibits PHAs, in an expanded area of operation, from (1) establishing or maintaining a police force or (2) acquiring property by eminent domain.

Under the bill, an "expanded area of operation" includes areas designated by the Department of Housing (DOH) under its mobility counseling program as high- or very high-opportunity census tracts (see BACKGROUND), provided certain requirements are met. Specifically, (1) any part of the census tract must be located within 30 miles of the municipality in which the initial housing authority is located and (2) the governing body of the municipality or municipalities where the census tract is located must agree, by proper resolution, to include the tract by extending the area of operation.

By law, an "area of operation," includes the municipality in which a housing authority is created and may include a neighboring municipality if its governing body agrees to it by proper resolution.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Mobility Counseling Program - Opportunity Areas

Existing law requires DOH, within existing resources, to operate a residence mobility counseling program to help certain individuals and families relocate to higher opportunity areas through education and support services. “Opportunity areas” are those designated as such using opportunity mapping analysis that incorporates a census tract-level assessment of educational, economic, and neighborhood characteristics, including education data and crime rates. DOH must make the mapping analysis available on its website.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 1 (03/14/2018)